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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,719	01/20/2004	Steven H. Walker	200310900-1	3687

22879 7590 11/20/2006

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FORT COLLINS, CO 80527-2400

EXAMINER

PYO, KEVIN K

ART UNIT	PAPER NUMBER
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2878

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/761,719

Applicant(s)

WALKER, STEVEN H.

Examiner

Kevin Pyo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) 10-15, 21-56 and 58 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 16-20 and 57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/20/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. Applicant's election without traverse of Group Ia (claims 1-9, 16-20 and 57) in the reply filed on 10/06/2006 is acknowledged. The combination claims 10-15 and 21-26 will be held in abeyance until the allowability of the elected invention is determined. If the elected invention is found to be allowable, any claims which are drawn to the combination with include the limitations of the allowed elected claims would be considered allowable and rejoined with the elected invention.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9, 16-20 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scofield et al (US 2003/0001939) in view of Walker (6,325,505).

Regarding claims 1 and 16, Scofield et al shows in Fig.2 the following elements of applicant's invention: a) a housing (102); b) only one light source (105) within the housing; and c) sensors (130 and 130') within the housing, the sensors being configured to detect diffuse and specular reflections of the light from an object (Fig.2). Scofield discloses in paragraph [0168] that its device utilizes a shorter wavelength light source (i.e. a blue-violet LED) for detecting colors of ink on a media (or media coding). However, Walker discloses in col.25, lines 5-54 that for spot (or printed drop) detection, a short wavelength light source (i.e. a blue LED) is utilized whereas, for media type detection, a long wavelength light source (i.e. a red LED) is utilized. It

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would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a red LED instead of a blue LED in view of the desire to achieve the more effective performance of media type detection.

Regarding claims 2-5, the laminations therein are shown in Figs.2 and 4 of Scofield et al.

Regarding claims 6, 7, 17 and 18, the limitations therein are disclosed in col.25, lines 59-61 of Walker. The specific wavelength utilized would have been obvious to one of ordinary skill in the art in view of meeting different design requirements.

Regarding claim 8, the limitation therein is shown in Fig.2 of Scofield et al.

Regarding claims 9 and 20, although Scofield et al does not specifically mention the use of a phototransistor as its sensor, the specific type of an optical sensor utilized would have been obvious to one of ordinary skill in the art in view of meeting different design requirements.

Regarding claim 19, Scofield et al shows in Fig.2 a plurality of sensors (130 and 130') are arranged within a housing (102).

Regarding claim 57, Scofield et al in view of Walker discloses the recited optical sensor as discussed above. Scofield et al further shows in Fig.1 the recited means for scanning (36, 40, 42, 44, 45, 35; paragraph 0066).

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Scofield et al (US2005/0073544) is cited for disclosing an early transparency detection system.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Pyo whose telephone number is (571) 272-2445. The examiner can normally be reached on Mon-Fri (with flexible hour), First Mon. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kevin Pyo
Primary Examiner
Art Unit 2878

kp
11/11/06